

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

D&H THERAPY ASSOCIATES,	:	
LLC and ROBIN DOLAN,	:	
Plaintiffs,	:	
	:	
v.	:	CA 08-005 S
	:	
BOSTON MUTUAL LIFE	:	
INSURANCE COMPANY,	:	
Defendant.	:	

**ORDER  
DENYING MOTION TO COMPEL**

Before the Court is Plaintiffs' Motion to Compel the Production of Documents (Document ("Doc.") #28) ("Motion"). A hearing on the Motion was conducted on October 15, 2008. In accordance with the procedure announced at the conclusion of that hearing, the Court has conducted an *in camera* review of the documents at issue. After doing so, the Court finds that the documents are privileged. The Court further finds that the fiduciary exception does not apply to the documents because they relate more to defense against litigation from Plaintiff than to plan administration. Accordingly, the Motion to Compel is DENIED.

ENTER:

/s/ David L. Martin  
DAVID L. MARTIN  
United States Magistrate Judge  
October 20, 2008